

FILE COPY

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF  
THE INVESTIGATION OF

JOHN J. MASSART, M.D.,

Licensee

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MEMORANDUM AND ORDER ON SETTLEMENT CONFERENCE

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TO: John J. Massart, M.D.  
1633 North Prospect Avenue  
Milwaukee, WI 53202

Gilbert C. Lubcke  
Attorney at Law  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708

An informal settlement conference was conducted in the above-captioned matter before an informal settlement conference committee of the Medical Examining Board on August 18, 1992. The purpose of the conference was to provide interested parties with an opportunity to discuss allegations received pertaining to the practice of Dr. Massart as a physician, and to attempt to reach a fair and consensual resolution of the matter.

The committee consisted of Doctors George W. Arndt and Michael P. Mehr. Dr. Massart appeared in person and without legal counsel. Others present included Mrs. Massart; Wayne Austin, the board's legal counsel; and Gilbert C. Lubcke, attorney for the Department of Regulation & Licensing, Division of Enforcement.

The parties orally presented their respective positions regarding the matter to the committee, and the committee deliberated on a possible disposition of the matter. The committee thereafter presented a proposed Stipulation for Dr. Massart's consideration, a copy of which is attached hereto and made a part hereof. The Stipulation was ultimately executed by Dr. Massart, Mr. Lubcke, and Ms. B. Ann Neviaser, board Secretary.

Based upon the proceedings at the conference, and upon the Stipulation of the parties, the board enters the following order.

ORDER

NOW, THEREFORE, IT IS ORDERED that based on the findings and conclusions in this case, as set forth in the Stipulation of the parties hereto, Dr. Massart be, and hereby is reprimanded. IT IS ALSO ORDERED that Dr. Massart shall, within six months of the date hereof complete 20 hours of continuing medical education in a course approved by the board in risk management, in addition to continuing medical education otherwise required under Wis. Stats. sec. 448.13. The risk management conference to be conducted in Sarasota, Florida on January 18-22, 1993, is deemed to satisfy this requirement.

Dated this 19th day of November, 1992.

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

by B. Ann Neviasser  
B. Ann Neviasser, *Bz*  
Secretary

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STIPULATION

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John J. Massart, M.D. (Dr. Massart), and the Medical Examining Board (board), having reached agreement on disposition of the informal complaint identified as 90 MED 463, agree and stipulate as follows:

1. This Stipulation shall be made a part of a Memorandum and Order on Settlement Conference to be issued by the board, and all terms of the Stipulation shall be binding on Dr. Massart as a part of the board's order.
2. This Stipulation and the board's order shall be placed in Dr. Massart's permanent file, and may be used if there are further complaints against him.
3. Dr. Massart is licensed to practice medicine and surgery in Wisconsin by license #14395, issued on July 27, 1962, and he resides at 1633 North Prospect Avenue, Milwaukee, WI. 53202. Dr. Massart specializes in obstetrics and gynecology.
4. On November 17, 1987, Maria Polchert delivered a male child at St. Joseph's Hospital, Milwaukee, Wisconsin. Dr. Massart was the obstetrician in attendance at the birth.
5. On the morning of November 18, 1987, Dr. Massart circumcised the Polchert child without the consent of the parents. A consent form had been prepared, but it had not been signed by the child's parents or by any other person authorized to consent to the procedure.
6. On the morning in question, Dr. Massart performed several circumcisions, and he performed the circumcision on the Polchert child without realizing that the release had not been signed.

7. Failure to confirm that the necessary consent was obtained prior to performing the circumcision constitutes negligence within the meaning of Wis. Stats. sec 448.02(3).

8. The parties agree that appropriate discipline to be imposed in light of this violation is a reprimand, and that Dr. Massart be required within six months of the board's order adopting this Stipulation to complete 20 hours of continuing medical education in a course approved by the board in risk management, and that such coursework shall be in addition to continuing medical education otherwise required under Wis. Stats. sec. 448.13.

Dated this 18 day of October, 1992.

John J. Massart M.D.  
John J. Massart, M.D.

Dated this 19<sup>th</sup> day of November, 1992.

DEPARTMENT OF REGULATION & LICENSING  
DIVISION OF ENFORCEMENT

by Gilbert C. Lubcke  
Gilbert C. Lubcke  
Attorney for the Division

Dated this 19<sup>th</sup> day of November, 1992.

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

by B. Ann Neviasser  
B. Ann Neviasser  
Secretary